

## **Chapter 14.52 Temporary Uses.**

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### **14.52.010 Purpose.**

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with this Title and when safe and compatible with uses in the general vicinity and adjacent uses.

### **14.52.020 Application and authorization.**

- A. An application to conduct a temporary use shall be made to the Planning Department, and shall include such information as the Director may require to evaluate the use and to make the determinations required by these provisions.
- B. An application shall be made at least 30 days prior to the requested date for commencement of the temporary use, and the Director shall make a determination whether to approve, approve conditionally, or to deny the temporary use within 30 days after the date of application.
- C. Approval or denial of an authorization of a temporary use shall be by issuance of a letter.
- D. Applicants for temporary uses for a period of time greater than 45 days shall be required to apply for a conditional use permit prior to the commencement of the use. If a conditional use permit is not granted, such use shall be terminated at the end of 45 days.
- E. Temporary uses that are granted a conditional use permit shall only be permitted for a total of 90 days; 45 days may be approved by the Director and an additional 45 days by the Hearing Examiner.

### **14.52.030 Determinations.**

The Director may authorize temporary uses after consultation and coordination with all other applicable City departments and other agencies and only when all the following determinations can be made based on an application received:

- A. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
- B. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
- C. The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.
- D. The use and associated structures will be conducted and used in a manner compatible with the surrounding area.
- E. The application is for a use that is typically temporary. The temporary use shall comply with the goals, policies and standards of this Title.

#### **14.52.040 General conditions.**

- A. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.
- B. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with DMC 14.44, Parking Standards and Design, but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.
- C. The temporary use shall comply with all applicable standards of Public Health – Seattle and King County.
- D. No temporary use shall occupy or use public parks in any manner unless specifically approved by the Public Works Director and the Director.
- E. A day of operation shall mean any or part of any day in which the business is conducted. The days need not run consecutively and may occur at any time within a calendar year as long as each day is designated and approved as part of the application.
- F. All temporary uses shall obtain, prior to occupancy of the site, all applicable permits, licenses and other approvals (i.e. business license, building permit, administrative approvals, etc.).
- G. The applicant for a temporary use shall supply written authorization from the owner of property on which the temporary use is located, including city approval of right-of way, and submit such approval as part of the application.
- H. Each site occupied by a temporary use shall be free of debris, litter, or other evidence of the temporary use upon completion or removal of the use.
- I. All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation.
- J. If the Director believes notice to adjacent property owners should be made prior to approval, this shall be done prior to approval of the application.
- K. The Director shall route requests for temporary use permits to applicable departments and agencies and may establish such additional conditions as may be deemed necessary to ensure land use compatibility, to minimize potential impacts on nearby uses, and to satisfy applicable departments and agencies. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, guarantees for site restoration and cleanup following temporary uses and charges for needed city services.

#### **14.52.050 Additional criteria for interim housing facilities.**

Interim housing facilities are those facilities that provide temporary housing for homeless persons. Such facilities shall be required to meet the general criteria listed in DMC 14.52.040 and the following:

- A. Such facilities shall be permitted only on the property of religious institutions. A religious institution can only host an interim housing facility once a calendar year.
- B. Such facilities shall be sponsored by the religious institution upon whose property they are located. The religious institution shall be the applicant for any such permit.
- C. The housing capacity for such facilities shall be limited in size to 100 people.
- D. The sponsoring institution shall ensure that all public health regulations are met, including toilet and shower facilities, food preparation, garbage removal, and public safety.
- E. The facility shall be permitted 1 day to set up and 1 day to dismantle the facility; those 2 days shall not be part of the 45 or 90 day limitation, whichever is approved.
- F. Public notice and a public meeting shall be required prior to a Temporary Use Permit being issued. The sponsoring institution shall provide such notice to all homes and

businesses within 500 feet of the proposed location at least 14 days prior to the facility moving in. A community meeting must be arranged by the sponsoring institution and it shall be held at least 10 days before the use starts.

- G. Other conditions that arise from the public review and from planning, police, fire, and public works review of the Temporary Use Permit shall apply.

#### **14.52.060 Allowed temporary uses.**

The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitation noted herein and as noted in DMC 14.52.040 and as may be established by the Director:

- A. Outdoor art and craft shows and exhibits.
- B. Outdoor community festivals, celebrations or grand openings.
- C. Seasonal retail sales such as Christmas trees, pumpkins, seasonal retail sale of agricultural or horticultural products.
- D. Interim housing facilities.
- E. Fireworks stands, which comply with DMC 5.10 Fireworks, and meet the following requirements:
  - 1. Only one sign is allowed.
  - 2. Signage must be attached to the firework stand.
  - 3. No "sandwich" board type signs are allowed.
  - 4. All firework stand operations and sales must take place outside of landscaped areas and public rights-of-way.
- F. Mobile services such as veterinary services for purposes of giving shots.
- G. Temporary fund raising or other civic activities.
- H. Pushcart vendors. No mechanical audio or noise making devices, nor loud shouting or yelling will be permitted.
- I. Group retail sales such as swap meets, flea markets, parking lot sales, food markets, auctions, etc.
- J. The Director may authorize additional temporary uses not listed in this section, when it is found that the proposed uses are in compliance with the provisions of this Title.

#### **14.52.070 Exemptions.**

The following activities and structures are exempt from requirements to obtain temporary use approval:

- A. A mobile home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired, subject to the approval of the Building Official and the Director. The Director may set time limitations for such use.
- B. Mobile homes, residences or travel trailers use for occupancy by supervisory and security personnel on the site of an active construction project, subject to approval of the Director. The Director may set time limitations for such use.
- C. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
- D. Portable units and mobile homes on school sites or other public facilities when approved by DMC 14.32. Such facilities shall be subject to DMC 14.62, Site Plan Criteria, and approval.
- E. Short term residential use of recreational vehicles subject to the following:
  - 1. Vehicle must be properly licensed;
  - 2. Vehicle must be parked on private property in an area developed as a parking area;
  - 3. Vehicle must be self-sufficient in terms of utilities; and
  - 4. Vehicle can be used as a residence a maximum of 45 days in a calendar year.

- F. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- G. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three (3) days in the same week and not more than twice in the same calendar year.
- H. Fund raising carwashes.
- I. Vehicular or motorized catering such as ice cream trucks and self-contained lunch wagons which cater to construction sites or manufacturing facilities.
- J. Activities, vendors and booths associated with City of Duvall sponsored or authorized special events such as Arts on Stage, Duvall Days, Sandblast, Summer Stage, and the Holiday Tree Lighting Festival.
- K. On-premises activities or existing businesses in compliance with outdoor storage requirements.
- L. Sidewalk sales, where adequate public access is provided, and where sale items and display tables are removed from the sidewalk each night, except that decorative planters, public art and similar items are permitted to remain on the sidewalk.
- M. Weekend only, warehouse sales when held not more than once a month in an existing facility.
- N. Recycling and collection centers, subject to the following requirements:
  - 1. Containers and structures shall be located on private property and not on public rights-of-way.
  - 2. The property owner's approval must be obtained, and the Planning Department notified that the structure will be located at that site.
  - 3. Allowed in Commercial and Light Industrial zoning districts.
  - 4. Structures shall not interfere with traffic circulation or visibility at intersections.
  - 5. The owner's name and telephone number shall be clearly posted on the structure or container.
  - 6. If located in a parking area, the structure or containers shall take up no more than three parking stalls. One collection structure and associated staff booth are allowed in parking lots of 200 stalls or less and one additional container and staff booth for every 200 stalls.